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RUEHBU/AMEMBASSY BUENOS AIRES 6900  
RUEHCV/AMEMBASSY CARACAS 3972  
RUEHPE/AMEMBASSY LIMA 4284  
RUEHMN/AMEMBASSY MONTEVIDEO 5792  
RUEHQT/AMEMBASSY QUITO 6589  
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C O N F I D E N T I A L LA PAZ 002054

SIPDIS

E.O. 12958: DECL: 09/23/2018  
TAGS: [PGOV](#) [PREL](#) [PINR](#) [SNAR](#) [BL](#)  
SUBJECT: BOLIVIA: MORALES DECREES INTERIM PANDO PREFECT

REF: A. LA PAZ 2004  
[1](#)B. LA PAZ 1993

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 (b)(d)

[1](#)1. (U) Amid fanfare and high-ranking government and military guests, Bolivian President Evo Morales appointed Deputy Navy Commander Landelino Rafael Bandeira Arze as the new interim Pando Department Prefect (state governor) September 20. Bandeira replaces Leopoldo Fernandez, who was taken into custody September 16 (reftels) for allegedly masterminding a "massacre" of Pando campesinos. Fernandez remains incarcerated in La Paz awaiting clarification of his contested legal status and the charges against him.

Morales: Charges Against Bandeira "Only Accusations"

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[1](#)2. (C) Bandeira and Minister of Presidency Juan Ramon Quintana are under investigation on contraband charges, implicated by truck drivers stopped at the border July 30 (a mob eventually recovered the 33 trucks in question, which subsequently disappeared). Morales defended his appointee, adding he has known Bandeira since 2006 and that the corruption allegations "are only accusations." Bandeira has told our DAO he was simply in charge of the confiscated trucks in his role as head of Bolivia's counter-contraband forces when he "lost control" of the situation and the trucks.

Evo Grants Himself Power to Replace Prefects

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[1](#)3. (U) Morales made the decision by Supreme Presidential Decrees (DS) 29711 and 29712. Legal scholars immediately criticized the move as "unconstitutional" and "illegal." DS 29711 modifies and supersedes an April, 2006 decree (DS 28666) that stipulates "in the case of a temporary absence of a prefect, the Secretary General (of the department) will assume the position up to a maximum of 90 days, as the interim DS 29711 instead provides that the president will appoint an interim prefect for the same 90-day period in the case that the prefect is absent "for crimes against the internal security of the state, the public peace, or against life and limb."

[1](#)4. (U) The September 12 signing of DS 29711, only one day

after the violent confrontation in Pando that led to charges of "genocide" against Fernandez and the same day the operation to impose martial law on Pando and arrest Fernandez commenced, has been criticized as at best a rush to judgment on Fernandez's role and at worst a cover-up of government complicity in the violence. Constitutional scholar Gabriel Pelaez commented that even if the legality of DS 29711 was uncontested, it would not apply to Fernandez, as no formal process regarding such crimes is as yet underway.

Bandeira: The Right Man for the Wrong Job?

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15. (C) Opposition Senator Roger Pinto (PODEMOS, Pando) told PolOff "as far as I know (Bandeira) is a good official. No one is attacking the person, they are attacking the process in which Evo makes everything he wants to do legal by decree.

This is about the rule of law and illegally replacing an elected prefect." Pinto added that Bandeira has a long service history in Pando, is reasonably well-liked, and has family there. Nevertheless, he said the prefecture staff is unlikely to greet him with open arms and "accept the militarization of Pando" out of loyalty to Fernandez. Pinto said either staff will leave en masse or would stay and "won't work with him," either option, he opined, would be "bad for the people of Pando."

Assures Unpoliticized Mandate; Eyeing CN Assets

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16. (C) Bandeira told our DAO that he will be focused on what he regards as a very narrow mandate to maintain peace until prefect elections can be called, likely in January. He also said the government has given him carte blanche to execute his mission, including using riverboats belonging to the Blue Devils task force, a military unit dedicated to counter-narcotics efforts and supported by the Embassy's Narcotics Affairs Section. Whether this will be a contentious issue or not will depend on how exactly they plan to use the CN assets. So long as the mission has a significant CN component, such as more aggressively patrolling river boundaries, we would not object. The Bolivians asked for the use of USG-supported CN C-130 aircraft (Black Devils) the night of September 12 to assist in efforts to impose martial law on Pando. We denied the use because it was not a CN mission and the Bolivians respected that decision.

Comment

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17. (C) The arrest of Fernandez, a wily political veteran, sets a chilling precedent for opposition prefects currently involved in negotiations with the government, afraid they may be next. The government justifies the appointment of an active-duty military officer to prefect as a necessity under martial law. We hope Bandeira's public and private assurances that he will "bring peace and security to Pando's citizens" without "political interest" are genuine. End

Comment.

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